



87W 1635

Dkt. 0575/55669-A-PCT-US/JPW/PJP/BJA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cy A. Stein et al.

Serial No.: 09/753,169

Examiner: J. Epps-Ford

Filed : January 2, 2001

Group Art Unit: 1635

For : OLIGONUCLEOTIDE INHIBITORS OF bcl-xL

1185 Avenue of the Americas
New York, New York 10036
May 9, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

**COMMUNICATION IN RESPONSE TO FEBRUARY 8, 2005 OFFICE ACTION
AND SECOND SUPPLEMENTARY INFORMATION DISCLOSURE STATEMENT**

This Communication is submitted in response to a February 8, 2005 Office Action issued in connection with the above-identified application. A response to the February 8, 2005 Office Action is due May 8, 2005, but since this day is a Sunday a response filed on the next succeeding day which is not a Saturday, Sunday or federal holiday, i.e. Monday, May 9, 2005, is considered timely under 37 C.F.R. §1.7. Accordingly, this response is being timely filed.

REMARKS

Claims 5, 9, and 43 are pending and under examination in the subject application, with claim 9 allowed.

Claims Rejected Under 35 U.S.C. §112 (Written Description)

In the February 8, 2005 Office Action, the Examiner rejected claims 5 and 43 under 35 U.S.C. §112, first paragraph, as allegedly reading on antisense oligonucleotides of any length, targeting any particular form of bcl-xL-encoding mRNA.